



Governor Brian Schweitzer

Montana

Board of Labor Appeals

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Elizabeth Best, Chairperson
Ed Logan, Member
Jack Calhoun, Member

Board Meeting Agenda for Wednesday, May 17, 2006 **Third Floor Conference Room, Walt Sullivan Building, Helena, Montana**

8:00 a.m. Call to order
Staff attorney's comments
Public comments

SCHEDULED HEARINGS

BETWEEN 8:00 A.M., and 9:00 A.M.

Case # 1890-2006

ISSUE: Whether the claimant was overpaid benefits, and in what amount, pursuant to Mont. Code Ann. § 39-51-3206 and Admin. R. Mont. 24.11.1205.

Appellant Matthew N. Hansas

vs.

Respondent Claims Investigations Unit

Case # 1759-2006

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant Gail Cole

vs.

Respondent Subway 36108 Corp

Case # 1889-2006

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant Dale L Gifford

vs.

Respondent GRV, Inc.

Case # 1829-2006

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant Judy C. Mullenberg

vs.

Respondent Peaks & Prairie Market, Inc.

BETWEEN 9:00 A.M., and 10:00 A.M.

Case # 1871-2006

ISSUE #1: Whether the appeal was timely filed by the employer or whether the employer had good cause to delay filing the appeal as provided in Mont. Code Ann. § 39-51-2402(3).

ISSUE #2: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant Steven J. Myers

vs.

Respondent Plum Creek Northwest Lumber, Inc.

Case # 1859-2006

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant William R. MacPheat

vs.

Respondent Miller Productions Inc.

Case # 1879-2006

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant Steven J. Kastella

vs.

Respondent Plum Creek Northwest Plywood, Inc.

Case # 1850-2006

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant Employee Benefits Management Services

vs.

Respondent Dixie L. Frey

BETWEEN 10:00 A.M., and 11:00 A.M.

Case # 1802-2006

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant Christine Y. Leufkens

vs.

Respondent Loaf N Jug/Mini Mart, Inc.

Case # 1798-2006

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant Matthew P. Pease

vs.

Respondent Scheels All Sports

Case # 1911-2006

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant Tammy I Backer

vs.

Respondent Riverstone Billings Inn

Case # 1811- 2006

ISSUE: Whether the redetermination was timely filed or whether the appellant had good cause to delay filing the redetermination as provided in Mont. Code Ann. § 39-51-2402(3).

Appellant Tammi I Galloway

vs.

Respondent Claims Processing Center

BETWEEN 11:00 A.M., and 12:00 P.M.

Case # 1860-2006

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant Billings Health & Rehabilitation Community

vs.

Respondent Cheryl S. Limpy

Case # 1904-2006

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant Lori A. Magliulo

vs.

Respondent R T Management

Case # 1965-2006

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant Wendy Rosler

vs.

Respondent Evergreen Hot Springs Health & Rehab

Case # 1846-2006

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant American Pizza Partners LTD Ptnrshp

vs.

Respondent Erik W. Kimbrough

ADJOURN FOR LUNCH

BETWEEN 1:00 P.M., and 2:00 P.M.

Case # 1963-2006

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant Steven H. Curley
Richard R. Buley, attorney

vs.

Respondent Sport Land Trailers & Toppers

Case # 1908-2006

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant Joseph Forsch

vs.

Respondent New Day Inc., Youth Group Home

Case # 1962-2006

ISSUE: Whether the claimant is qualified to receive benefits while attending schooling or training, based upon the department's criteria for approved training as provided in Mont. Code Ann. § 39-51-2307 and Admin. R. Mont. 24.11.475.

Appellant Charlotte Elliott

vs.

Respondent Claims Processing Bureau, Dept. of Labor and Industry
Sharon Blunn, dept. representative

Case # 1891-2006

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant News America Marketing In Stores SVC LLC

vs.

Respondent Roelienneke H. Boston

BETWEEN 2:00 P.M., and 3:00 P.M.

Case # 1979-2006

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant Katherine L. Barker

vs.

Respondent Profiles International, Inc.

Case # 1896-2006

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant Traci C. Saxton

vs.

Respondent D. A. Davidson & Co.

Case # 1975-2006

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant Missoula Anesthesiology PC
David B. Cotner, attorney

vs.

Respondent Michelle L. Barthelmess

Case # 1924-2006

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant Tricon Timber LLC

vs.

Respondent Ralph J. Snider

BETWEEN 3:00 P.M., and 4:00 P.M.

Case # 1844-2006

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant Icicle Creek, Inc.

vs.

Respondent Billie B. Nelson

Case # 1957-2006

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant James W. Dighans

Cynthia K. Thornton, attorney

vs.

Respondent E. H. Oftedal & Sons, Inc.

Case # 1933-2006

ISSUE #1: Whether the department correctly determined the claimant's monetary benefit entitlement pursuant to Admin. R. Mont. 24.11.442 et seq.

ISSUE #2: Whether the department correctly determined the claimant's weekly benefit amount pursuant to Mont. Code Ann. § 39-51-2201.

Appellant Andrew H. Kinter

vs.

Respondent Benefits Accuracy Measurements, Unemployment Insurance Bureau
Jody Pace, Quality Control Auditor

Case # 1923-2006

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann. §§ 39-51-2302 (leaving work without good cause) or 39-51-2303 (discharge for misconduct).

Appellant James S. Frazer

vs.

Respondent Covenant Transport

ADJOURN

Proposed schedule of next meeting:

June 7, 2006